

Senate Bill No. 1188

CHAPTER 179

An act to add Section 3049 to the Family Code, relating to child custody.

[Approved by Governor August 23, 2010. Filed with
Secretary of State August 23, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1188, Wright. Child custody: disabled parent.

Existing law requires a court to award custody of a child according to the best interest of the child, and further requires a court to grant reasonable visitation rights to a parent unless it is shown that the visitation would be detrimental to the best interest of the child. Existing law requires a court, when determining the best interest of the child, to consider the health, safety, and welfare of the child, among other factors.

The California Supreme Court in *In re Marriage of Carney* (1979) 24 Cal.3d 725 determined that the mere fact of the disability of a parent is not a proper basis upon which to make a determination regarding custody or visitation without further inquiry, as specified.

This bill would state the intent of the Legislature to codify the decision of the California Supreme Court described above with respect to custody and visitation determinations by the court involving a disabled parent.

The people of the State of California do enact as follows:

SECTION 1. Section 3049 is added to the Family Code, to read:

3049. It is the intent of the Legislature in enacting this section to codify the decision of the California Supreme Court in *In re Marriage of Carney* (1979) 24 Cal.3d 725, with respect to custody and visitation determinations by the court involving a disabled parent.

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